

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reply Brief Transmittal

AFS  
JW

In re application of Bates, *et al.*

Serial No.: 09/633,766

Filed on: 08/07/00

For: **SATELLITE RADIO RECEIVER THAT DISPLAYS INFORMATION REGARDING ONE OR MORE CHANNELS THAT ARE NOT CURRENTLY BEING LISTENED TO**

Mail Stop APPEAL BRIEF - PATENT  
Commissioner for Patents  
P.O. Box 1450  
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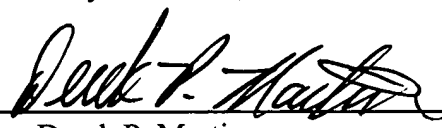
Sir:

Transmitted herewith for filing is a **Reply Brief** in triplicate for the above-identified Application.

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Respectfully submitted,

By   
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I HEREBY CERTIFY THAT THE CORRESPONDENCE TO WHICH THIS STATEMENT IS AFFIXED IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF - PATENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Date: July 6, 2005

By: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 In re application of: Bates, *et al.* Docket No.: ROC920000073US1  
3 Serial No.: 09/633,766 Group Art Unit: 2683  
4 Filed: 08/07/00 Examiner: D AGOSTA, STEPHEN M.  
5 For: SATELLITE RADIO RECEIVER THAT DISPLAYS INFORMATION REGARDING  
6 ONE OR MORE CHANNELS THAT ARE NOT CURRENTLY BEING LISTENED TO

7 **REPLY BRIEF**

8 Mail Stop APPEAL BRIEF - PATENTS  
9 Commissioner for Patents  
10 P.O. Box 1450  
11 Alexandria, VA 22313-1450

12 Dear Sir/Madam:

13 This Reply Brief is filed to address the examiner's arguments in the Examiner's  
14 Answer dated May 6, 2005.

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1 **ARGUMENT**

2 **Issue 1: Whether claims 1, 6-9, 12 and 16-19 are unpatentable as**  
3 **obvious under 35 U.S.C. §103(a) in view of Tuoriniemi, Logan**  
4 **and Schwob**

5 **Claim 1**

6 Appellant stands on the arguments made in the Supplemental Appeal Brief with  
7 respect to claim 1, which are incorporated herein by reference. These additional  
8 comments are made to address the examiner's arguments in the Examiner's Answer.

9 In the Answer, the examiner states that appellant has improperly attacked the  
10 references individually, where the rejections are based on combinations of references.  
11 Specifically, the examiner states that appellant's arguments that Logan's audio player is  
12 not a receiver amounts to an attack on Logan, which is not used as a basis for the radio  
13 receiver, but is used as allegedly teaching the display of non-selected audio files to the  
14 user. Appellant respectfully asserts that the examiner has misunderstood appellant's  
15 argument regarding Logan. The argument regarding Logan goes to the inappropriate  
16 combination of Logan and Tuoriniemi due to differences in their teachings, and not to an  
17 attack on Logan individually. The Supplemental Appeal Brief at p. 6 lines 6-23 states:

18 Appellant respectfully asserts that the ability in Logan to play different  
19 portions of a pre-recorded, downloaded audio program does not read on  
20 the display of information regarding a satellite radio channel that is not the  
21 selected channel. Radio is a real-time broadcast medium. A user may  
22 tune to any desired station and listen to the program that is currently being  
23 broadcast. All channels that are available to a given radio receiver are  
24 simultaneously broadcasting their programs. To display information  
25 regarding at least one satellite radio channel that is not the selected  
26 channel requires monitoring the broadcast programs on one or more non-  
27 selected channels, in addition to playing the broadcast program that

1 corresponds to the selected channel. Displaying information regarding  
2 program segments of a downloaded audio program is not even close to the  
3 same thing. One can easily display all of the program segments in Logan  
4 at the same time because these are pre-recorded segments that have been  
5 downloaded to the audio player. The teachings of Logan have no  
6 application to simultaneous, real-time satellite radio broadcasts. The  
7 program segments in Logan thus do not read on the satellite radio channels  
8 in claim 1, and displaying information regarding at least one satellite radio  
9 channel that is not the selected channel is not taught or suggested by the  
10 display of information regarding pre-recorded program segments in the  
11 pre-recorded audio program of Logan.

12 The point of the discussion above is to point out the vast differences between Tuoriniemi  
13 and Logan that make their combination improper, and that such a combination, even if  
14 proper, does not read on all of the limitations in claim 1. In Logan, determining the  
15 various audio files that are present is simple because they have already been downloaded.  
16 Presenting a catalog of the audio files to a user is essentially the same function as  
17 displaying the contents of a file directory on a computer - it's a list of files that exist in  
18 the directory. This function is in the language of Logan cited by the examiner at C1, L64  
19 to C2, L1, which states "... allow the listener to dynamically and interactively locate and  
20 select desired programming from the available collection in an easy and intuitive way . .  
21 .". The term "from the available collection" means from files that have already been  
22 downloaded, and therefore would not apply to real-time satellite radio broadcasts.

23 Tuoriniemi deals with real-time radio broadcasts. It would not be obvious to  
24 apply the teachings of Logan to the satellite radio receiver in Tuoriniemi because different  
25 radio stations in Tuoriniemi are not previously-downloaded files, but are instead real-time  
26 radio broadcasts. The combination of Tuoriniemi, Logan and Schwob still lack the ability  
27 to display "information regarding at least one channel that is not the selected channel,  
28 wherein the displayed information is derived from the identifying information for the at  
29 least one channel that is not the selected channel" as recited in claim 1. The ability to  
30 display this information inherently means the ability to monitor the identifying  
31 information for one or more non-selected channels. The ability to read a downloaded file

1 listing in Logan does not read on the ability to dynamically read and monitor identifying  
2 information in non-selected digital satellite radio signals. The examiner equates the audio  
3 files in Logan to the digital satellite radio signals in claim 1, as shown by the language  
4 “audio files/channels” in the Examiner’s Answer when discussing Logan. Appellant  
5 respectfully submits that the downloaded audio files in Logan do not read on the digital  
6 satellite radio signals on a plurality of channels in claim 1. This does not amount to an  
7 attack on Logan individually, but an attack on the combination of Tuoriniemi, Logan and  
8 Schwob that shows the deficiency of the combination.

9         The key to understanding appellant’s argument is that Logan can only display  
10 information regarding a non-selected program segment after the program segment is  
11 downloaded. The claimed invention, in contrast, displays information regarding a digital  
12 satellite radio signal on a non-selected channel. The term “digital satellite radio signal”  
13 relates to a satellite radio broadcast. Because previously-downloaded program segments  
14 do not read on currently-received digital satellite radio signals, it would not be obvious to  
15 apply the teachings of Logan to Tuoriniemi as suggested by the examiner.

16         Appellant reiterates below the arguments presented in the Supplemental Appeal  
17 Brief. The core issue in this appeal is whether it would have been obvious to one of  
18 ordinary skill in art to provide a display within a satellite radio receiver that displays  
19 information regarding at least one channel that is not the selected channel based on the  
20 teachings of the audio player for a pre-recorded, downloaded audio program in Logan.  
21 Appellant readily admits that Schwob teaches a display for a radio receiver that includes  
22 information not found in many prior art displays. However, the information on the  
23 Schwob display has nothing whatsoever to do with the display of information regarding  
24 one or more channels that are not the selected channel. Logan teaches an audio player  
25 that plays a downloaded audio program. A reasonable combination of Schwob and Logan  
26 might display program segments of a downloaded audio program of Logan on the display  
27 of Schwob. However, one skilled in the art would not be motivated to apply the

1 teachings of Logan to the radio receiver in Tuoriniemi due to the technical differences  
2 between the two that make Logan and Tuoriniemi incompatible absent hindsight  
3 reconstruction gleaned from the claims.

4       The Examiner's rejection also does not address the last clause of claim 1, which  
5 states: "wherein the displayed information is derived from the identifying information for  
6 the at least one channel that is not the selected channel." The identifying information is  
7 referenced in lines 3 and 4 of claim 1, which states: "each digital satellite radio signal  
8 including a radio program and identifying information related to the radio program." The  
9 displayed information in claim 1 is thus derived from the identifying information that  
10 accompanies a radio program. The information displayed in Logan is the program  
11 segments that make up an audio program. The information displayed in claim 1 is  
12 information for at least one channel that is not the selected channel, wherein the displayed  
13 information is derived from the identifying information for the at least one channel that is  
14 not the selected channel. Thus, in claim 1, each digital satellite radio signal includes a  
15 radio program and identifying information related to the radio program. The information  
16 displayed in lines 8-10 of claim 1 is information derived from the identifying information  
17 for a non-selected satellite radio program. Appellant forcefully asserts that the display of  
18 information in a pre-recorded, downloaded audio program does not read on or otherwise  
19 render obvious the display of information for a non-selected satellite radio program,  
20 where the information is derived from identifying information that accompanies the radio  
21 program. For this reason, the combination cited by the Examiner does not teach or  
22 suggest the display of information for a non-selected channel that is derived from the  
23 identifying information for the channel.

24       The examiner's defective rationale for combining the cited art is based on one  
25 erroneous assumption, that an audio file in Logan may be properly read on a digital  
26 satellite channel in claim 1. As stated above, the audio files in Logan are files that have  
27 been completely downloaded. At the point they may be viewed in Logan, they are

1 nothing more than files similar to files on a computer. Appellant respectfully asserts that  
2 the audio files in Logan are not properly read on the satellite radio channels in claim 1.  
3 For this reason, the combination of Tuoriniemi and Logan is improper.

4 Appellant reiterates below the argument in the Supplemental Appeal Brief  
5 regarding the defective combination of the cited art. Appellant respectfully asserts that  
6 the Examiner's rationale for combining Tuoriniemi, Logan and Schwob is improper. The  
7 Examiner states:

8 It would have been obvious to one skilled in the art at the time of  
9 the invention to modify Tuoriniemi, such that the system displays at least  
10 one channel that is not selected, to provide means for a user to  
11 simultaneously listen to one station/song while viewing if there is another  
12 station/song they prefer to switch to.

13 If we strip away the specific language the Examiner uses, the Examiner's rationale  
14 basically states that it would be obvious to modify Tuoriniemi with features from the  
15 audio player in Logan and the display taught in Schwob to provide the advantages of the  
16 claimed invention. This is not a proper rationale for combining Tuoriniemi, Logan and  
17 Schwob. If an Examiner could establish obviousness by stating that a combination of  
18 references A, B and C would be obvious because of advantages only taught in the claims,  
19 the Examiner's job would be very simple, indeed. Nowhere does Tuoriniemi, Logan nor  
20 Schwob teach or suggest a display within a satellite radio receiver that displays  
21 information regarding at least one channel that is not the selected channel. There is no  
22 motivation in any of these references to support their combination. The only motivation  
23 resides in appellant's claims, which amounts to impermissible hindsight reconstruction.

24 In response to appellant's challenge to produce motivation in the cited references  
25 to support their combination, the examiner has cited to language in Logan that allegedly  
26 supports the combination suggested by the examiner. Note, however, that the cited  
27 language relates to downloaded files, and can only be considered motivation IF AND

1 ONLY IF the person of ordinary skill in the art equates downloaded files to real-time  
2 satellite radio channels, as the examiner has done. Because the only suggestion for  
3 equating satellite radio channels to previously-downloaded files is in the examiner's  
4 rejection and not in the references themselves, the references do not provide the proper  
5 motivation to combine as suggested by the examiner.

6 Appellant respectfully asserts that one of ordinary skilled in the art looking at  
7 these three references would realize that the display of downloaded program segments in  
8 Logan does not read on the display of information for non-selected satellite radio  
9 programs recited in the claims, and would therefore not be motivated to apply the  
10 teachings of Logan to Tuoriniemi and Schwob, as suggested by the Examiner. For these  
11 many reasons given above, appellant respectfully asserts that the Examiner's rejection of  
12 claim 1 is improper, and respectfully requests that the Examiner's rejection of claim 1  
13 under 35 U.S.C. §103(a) be reversed.

14 Claims 6, 12 and 16

15 Claims 6, 12 and 16 are grouped with claim 1, and stand or fall according to the  
16 allowability of claim 1.

17 Claim 7

18 In addressing claim 7 in the Examiner's Answer, the examiner simply reiterates  
19 the language of the rejection, and does not address appellant's arguments in the  
20 Supplemental Appeal Brief. As stated in the Supplemental Appeal Brief, the existence of  
21 radiotext information for the currently-selected channel in Tuoriniemi does not teach or  
22 suggest the display of radiotext information for non-selected channels. The examiner's  
23 failure to address this argument in the Answer may be properly construed as an admission  
24 that appellant is correct. For these reasons, claim 7 is allowable over the cited art. In



1 addition, claim 7 depends on claim 1, which is allowable for the reasons given above. As  
2 a result, claim 7 is also allowable as depending on an allowable independent claim.  
3 Appellant respectfully requests that the Examiner's rejection of claim 7 under 35 U.S.C.  
4 §103(a) be reversed.

5 Claim 17

6 Claim 17 is grouped with claim 7, and stands or falls according to the allowability  
7 of claim 7.

8 Claim 8

9 Appellant stands on the arguments made in the Supplemental Appeal Brief with  
10 regard to claim 8, which are incorporated herein by reference. The comments below are  
11 made to address the examiner's arguments in the Examiner's Answer.

12 In the Examiner's Answer, the discussion of claim 8 attempts to clean up the  
13 examiner's previous rejection. The examiner states "Since one watches TV and shows  
14 last for 30 minutes, it is prudent to show start/end times. Radio is not watched and songs  
15 are typically much shorter, hence one skilled in the art would more likely choose to show  
16 time remaining for the program/song." This statement reveals much about the examiner's  
17 thought processes. This stated rationale is only valid if one skilled in the art has decided  
18 at the outset that the teachings regarding a TV guide need to be applied somehow to a  
19 radio. Appellant forcefully asserts that one of ordinary skill in the art would not be  
20 motivated to apply the teachings of a TV guide to a satellite radio receiver. In fact, the  
21 examiner's language states "Radio is not watched and songs are typically much shorter,  
22 hence one skilled in the art would more likely choose to show time remaining for the  
23 program/song." This is only true in light of hindsight reconstruction, where the examiner  
24 assumes from the outset that the teachings of a TV guide should be applied to a satellite

1 radio receiver, even though there is no stated rationale for this combination. The  
2 examiner is clearly using the claims as a template to piece the prior art together to  
3 allegedly arrive at the claimed invention, which amounts to impermissible hindsight  
4 reconstruction. This quoted language by the examiner, in fact, shows the precise reason  
5 why one of ordinary skill in the art would NOT be motivated to apply the teachings of  
6 Alexander to a satellite radio receiver – because the two media are dissimilar. Appellant  
7 respectfully asserts that the examiner’s own language has shown conclusively that the  
8 examiner’s combination would not have been obvious to one of ordinary skill in the art.

9 Appellant now reiterates below an argument made in the Supplemental Appeal  
10 Brief. *Nowhere has the Examiner asserted that it would be obvious based on Logan to*  
11 *display time remaining for non-selected channels.* The Examiner’s rationale is based on  
12 allowing the user to decide based on time remaining for the selected station whether to  
13 keep listening to the station/song or to change the channel. This rationale does not  
14 address the limitation of displaying time remaining for radio programs on the non-  
15 selected channels. There is no teaching or suggestion in ANY of the cited references to  
16 support the display of time remaining for radio programs on non-selected channels. The  
17 only teaching of displaying time remaining for radio programs on non-selected channels  
18 is in the claims themselves. Hindsight reconstruction, pure and simple.

19 Appellant forcefully asserts that the combination of Tuoriniemi, Logan, Schwob,  
20 and Alexander does not render obvious claim 8, and that claim 8 is therefore allowable  
21 over the cited art. In addition, claim 8 depends on claim 1, which is allowable for the  
22 reasons given above. As a result, claim 8 is also allowable as depending on an allowable  
23 independent claim. Appellant respectfully requests that the Examiner’s rejection of claim  
24 8 under 35 U.S.C. §103(a) be reversed.

1     Claim 18

2             Claim 18 is grouped with claim 8, and stands or falls according to the allowability  
3     of claim 8.

4     Claim 9

5             Appellant stands on the arguments made in the Supplemental Appeal Brief with  
6     regard to claim 9, which are incorporated herein by reference. The comments below are  
7     made to address the examiner's arguments in the Examiner's Answer.

8             In attempting to justify the rejection of claim 9, the examiner reiterates the  
9     rejection of claim 9, then provides language that does not address appellant's arguments  
10    in the Supplemental Appeal Brief. The existence of radiotext information for the  
11    currently-selected channel in Tuoriniemi does not teach or suggest the display of radiotext  
12    information for non-selected channels. The examiner's failure to address this argument  
13    in the Answer may be properly construed as an admission that appellant is correct. For  
14    these reasons, claim 9 is allowable over the cited art. In addition, claim 9 depends on  
15    claim 1, which is allowable for the reasons given above. As a result, claim 9 is also  
16    allowable as depending on an allowable independent claim. Appellant respectfully  
17    requests that the Examiner's rejection of claim 9 under 35 U.S.C. §103(a) be reversed.

18    Claim 19

19             Claim 19 is grouped with claim 9, and stands or falls according to the allowability  
20    of claim 9.

1           **Issue 2:       Whether claim 2 is unpatentable as obvious under 35 U.S.C.**  
2                           **§103(a) in view of Tuoriniemi, Logan, Schwob and Shigematsu**

3           In the Examiner's Answer, the examiner provides rationale for rejecting claim 2.  
4   This argument by the examiner is moot because claim 2 is grouped with claim 1, and  
5   stands or falls according to the allowability of claim 1.

1           **Issue 3:       Whether claims 3-4 and 13-14 are unpatentable as obvious**  
2                               **under 35 U.S.C. §103(a) in view of Tuoriniemi, Logan,**  
3                               **Schwob, Shigematsu, Yuen, and Liebenow**

4           In the Examiner's Answer, the examiner indicated for the first time that claims 3-  
5 4 and 13-14 contain allowable subject matter. Claim 3 depends on claim 2, which  
6 depends on claim 1, which is allowable for the reasons given above. Claim 4 depends on  
7 claim 3, which depends on claim 2, which depends on claim 1, which is allowable for the  
8 reasons given above. As a result, claims 3 and 4 are allowable as depending on an  
9 allowable independent claim. For these reasons, appellant respectfully requests that the  
10 Examiner's rejection of claim 3-4 under 35 U.S.C. §103(a) be reversed.

11   Claim 13

12           Claim 13 is grouped with claim 3, and stands or falls according to the allowability  
13 of claim 3.

14   Claim 14

15           Claim 14 is grouped with claim 4, and stands or falls according to the allowability  
16 of claim 4.

1   **Issue 4:       Whether claims 5 and 15 are unpatentable as obvious under 35 U.S.C.**  
2                   **§103(a) in view of Tuoriniemi, Logan, Schwob, Shigematsu, Yuen,**  
3                   **and Alexander**

4           In the Examiner's Answer, the examiner indicated for the first time that claims 5  
5   and 15 contain allowable subject matter. Claim 5 depends on claim 1, which is allowable  
6   for the reasons given above. As a result, claim 5 is allowable as depending on an  
7   allowable independent claim. Appellant respectfully requests that the Examiner's  
8   rejection of claim 5 under 35 U.S.C. §103(a) be reversed.

9   Claim 15

10          Claim 15 is grouped with claim 5, and stands or falls according to the allowability  
11   of claim 5.

12   Claims 10-11 and 20-22

13          Claims 10-11 and 20-22 have been allowed. Appellant thanks the examiner for  
14   the allowance of these claims.

1    General Comments

2           Appellant stands on the General Comments made in the Supplemental Appeal  
3    Brief relating to the examiner's inappropriate use of hindsight reconstruction, which are  
4    incorporated herein by reference, and forcefully asserts that the examiner's rejections are  
5    improper under 35 U.S.C. §103(a).

6           The examiner on page 8 of the Examiner's Answer quotes language in the  
7    Supplemental Appeal Brief, then states that these phrases are not proper for official  
8    documents making their way to the USPTO (and especially those destined for the  
9    Appeals Board). Appellant's attorney acknowledges that such language is inappropriate,  
10   and sincerely apologizes to the Board and to the examiner. Future correspondence with  
11   the USPTO will have language that shows proper decorum, and will refrain from  
12   inflammatory statements.

13          Applicant's attorney wishes to provide a few words by way of explanation of the  
14   circumstances that gave rise to the inflammatory statements. Applicant's attorney has  
15   had dealings with Examiner Steven D'Agosta on multiple cases. On each of these cases,  
16   the examiner has given multiple rejections, which were met with multiple Requests for  
17   Reconsideration. In each case, Examiner D'Agosta apparently feels some compelling  
18   need to find new art and issue new rejections rather than to provide a reasonable  
19   examination of the claims. The prosecution history of the present patent application is a  
20   good example. A first office action was issued, and a Request for Reconsideration was  
21   filed in response. A second office action was issued with a new grounds of rejection, and  
22   a Request for Reconsideration was filed in response. A third and final office action was  
23   issued, maintaining the rejection in the second office action. This final rejection was  
24   appealed. In response to appellant's Appeal Brief, the examiner re-opened prosecution  
25   and provided new grounds of rejection in a fourth office action, which allowed claims 10-  
26   11 and 20-22. Thus, after three office actions, two Requests for Reconsideration, and one

1 Appeal Brief, the examiner finally admits there is patentable subject matter in claims 10-  
2 11 and 20-22 *as originally filed*. Note that the cited art in the fourth office action was  
3 available to the examiner when the claims were initially examined, and the Appeal Brief  
4 could have been avoided if the examiner had heeded the arguments in the second Request  
5 for Reconsideration.

6 In response to the fourth office action, appellant filed the Supplemental Appeal  
7 Brief, which led to the Examiner's Answer. In the Examiner's Answer, the examiner  
8 states that claims 3-5 and 13-15 contain allowable subject matter. Thus, after three office  
9 actions, two Requests for Reconsideration, an Appeal Brief, and a Supplemental Appeal  
10 Brief, the examiner finally admits there is patentable subject matter in claims 3-5 and 13-  
11 15 *as originally filed*. Note that the cited art in the fourth office action was available to  
12 the examiner when the claims were initially examined.

13 On page 3 of the Examiner's Answer, the examiner states: "Note: they have never  
14 amended a claim during prosecution." The implication is clear, that appellant is  
15 apparently uncooperative and unreasonable because no claim has been amended during  
16 prosecution. The reason that no claim has been amended is very simple. Appellant  
17 believes the examiner's rejections of the claims are improper, and based on hindsight  
18 reconstruction. Appellant will not amend claims to get around unduly broad rejections.  
19 To imply that unwillingness to amend somehow hurts appellant's case is not in  
20 accordance with established patent law.

21 The inflammatory statements made by appellant's attorney were borne of  
22 frustration in dealing with Mr. D'Agosta, who apparently sets the bar of patentability  
23 much higher than other examiners. In a telephone conversation with Mr. D'Agosta, he  
24 admitted to appellant's attorney that he tries to provide a very rigorous examination, and  
25 stated this is a service to my client because when the patent eventually issues, it will be a  
26 much stronger patent because he examined it. Appellant respectfully asserts that Mr.



1 D'Agosta applies standards that are much more rigorous than those imposed by the  
2 current patent laws and regulations. To believe he is doing my client a favor by providing  
3 some heightened level of examination is arrogant, and not in accordance with established  
4 laws and regulations. The examiner should provide examination of claims that is  
5 commensurate with established PTO standards, and should not attempt to justify some  
6 personal heightened level of scrutiny as a service to PTO clients. All issued patents enjoy  
7 a presumption of validity, and providing overly broad and overreaching rejections based  
8 on hindsight reconstruction provides excessive cost and delay in getting patents to issue.  
9 This is definitely not a service to my client. All we ask is a reasonable application of the  
10 art to the claims, not some heightened level of scrutiny borne of Mr. D'Agosta's personal  
11 desire to provide "stronger" patents when they issue.

12 While explaining the circumstances that lead to the inflammatory statements,  
13 appellant's attorney acknowledges these circumstances do not justify the inflammatory  
14 statements. Again, appellant's attorney apologizes for these statements, and such  
15 statements will not be found in future correspondence with the USPTO.

1

**CONCLUSION**

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4

Claims 1-9 and 12-19 are addressed in this Appeal. For the numerous reasons articulated above, appellant maintains that the rejection of claims 1-9 and 12-19 under 35 U.S.C. § 103(a) is erroneous.

5

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Appellant respectfully submits that this Reply Brief fully responds to, and successfully contravenes, every argument made by the examiner in the Examiner's Answer, and respectfully requests that the final rejection be reversed and that all claims in the subject patent application be found allowable.

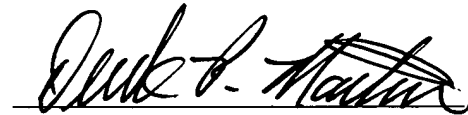
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Respectfully submitted,

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## **APPENDIX - REJECTED CLAIMS**

- 1 1. (Original) A satellite radio receiver comprising:  
2 a satellite radio processor that receives a plurality of digital satellite radio signals  
3 on a plurality of channels, each digital satellite radio signal including a radio program and  
4 identifying information related to the radio program, the satellite radio processor  
5 outputting audio information corresponding to the radio program in one of the digital  
6 satellite radio signals that correspond to a selected channel; and  
7 a display within the satellite radio receiver that is coupled to the satellite radio  
8 processor and that displays information regarding at least one channel that is not the  
9 selected channel, wherein the displayed information is derived from the identifying  
10 information for the at least one channel that is not the selected channel.
- 1 2. (Original) The satellite radio receiver of claim 1 further comprising a memory coupled  
2 to the satellite radio processor, the memory containing at least one channel preset.
- 1 3. (Original) The satellite radio receiver of claim 2 wherein the memory further contains  
2 a list of favorite channels, wherein the at least one channel that is not the selected channel  
3 is in the list of favorite channels.
- 1 4. (Original) The satellite radio receiver of claim 3 wherein the list of favorite channels is  
2 at least partially defined by the at least one channel preset.
- 1 5. (Original) The satellite radio receiver of claim 3 wherein the list of favorite channels is  
2 determined by the satellite radio processor according to which channels are listened to  
3 most frequently.

- 1 6. (Original) The satellite radio receiver of claim 1 wherein the display further displays  
2 information regarding the selected channel, wherein the displayed information regarding  
3 the selected channel is derived from the identifying information for the selected channel.
- 1 7. (Original) The satellite radio receiver of claim 1 wherein the displayed information  
2 includes a title for the radio program.
- 1 8. (Original) The satellite radio receiver of claim 1 wherein the displayed information  
2 includes time remaining for the radio program.
- 1 9. (Original) The satellite radio receiver of claim 1 wherein the displayed information  
2 includes artist and song title for the radio program when the radio program comprises a  
3 musical radio program.

1 12. (Original) A method for displaying radio program information to a user on a display  
2 within a satellite radio receiver, the method comprising the steps of:  
3 receiving a plurality of digital satellite radio signals on a plurality of channels,  
4 each digital satellite radio signal including a radio program and identifying information  
5 related to the radio program;  
6 outputting audio information corresponding to the radio program in one of the  
7 digital satellite radio signals that correspond to a selected channel; and  
8 displaying information regarding at least one channel that is not the selected  
9 channel on the display, wherein the displayed information is derived from the identifying  
10 information for the at least one channel that is not the selected channel.

1 13. (Original) The method of claim 12 further comprising the step of storing a list of  
2 favorite channels, wherein the at least one channel that is not the selected channel is in  
3 the list of favorite channels.

1 14. (Original) The method of claim 13 wherein the list of favorite channels is at least  
2 partially defined by at least one channel preset.

1 15. (Original) The method of claim 13 further comprising the step of determining the list  
2 of favorite channels according to which channels are listened to most frequently.

1 16. (Original) The method of claim 12 further comprising the step of displaying  
2 information regarding the selected channel, wherein the displayed information regarding  
3 the selected channel is derived from the identifying information for the selected channel.

1 17. (Original) The method of claim 12 wherein the displayed information includes a title  
2 for the radio program.

1 18. (Original) The method of claim 12 wherein the displayed information includes time  
2 remaining for the radio program.

1 19. (Original) The method of claim 12 wherein the displayed information includes artist  
2 and song title for the radio program when the radio program comprises a musical radio  
3 program.